

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:23-CV-00710-RJC-SCR**

SMASH FRANCHISE PARTNERS, LLC,)
)
Plaintiff,)
)
v.)
)
BARBER POWER LAW GROUP, PLLC,)
et. al.,)
)
Defendants.)

ORDER

THIS MATTER is before the Court on “Defendants’ Motion to Dismiss” (Doc. No. 13) filed December 20, 2023, and “Plaintiff’s “First Amended Complaint” (Doc. No. 16) filed January 8, 2024.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

Plaintiff filed its First Amended Complaint within 21 days following receipt of Defendant’s Motion to Dismiss. Accordingly, the amendment is as a matter of course.

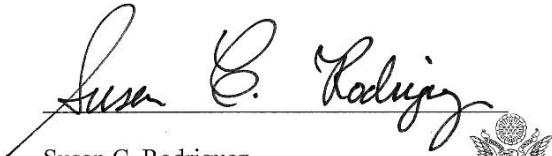
It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

IT IS THEREFORE ORDERED that:

1. “Defendants’ Motion to Dismiss” (Doc. No. 13) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: January 9, 2024



Susan C. Rodriguez
United States Magistrate Judge

